REMARKS

Reconsideration of the rejections set forth in the Final Office Action mailed on April 16, 2008, is respectfully requested. Claim 1 has been amended. Support for this amendment can be found in the specification at, e.g., Figures 1-7 and page 43, line 3 - page 45, line 20. Therefore, no new matter has been added with this amendment. Claims 1, 6-14, 18-23, and 25 remain pending.

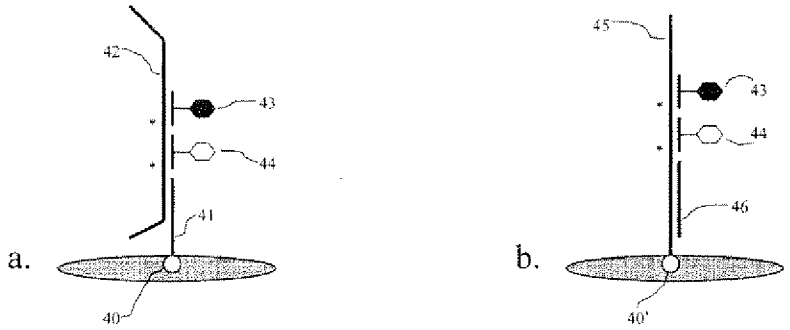
Art Rejections

Claims 1, 6-9, 17-20, 22, 23, 25, and 27 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Nerenberg et al. (US 2001/0014449 A1) in view of Lannuzzi et al. (Am. J. Hum. Genet., 48, 227-231, 1991).

The Examiner has adjusted his rejection to map "*unlabeled blocker*" to stabilizer 46 and not reporter probe 43 in Fig. 4b, as described in the previous rejection. The Examiner has also taken the position has stated that the region of amplicon 45 that is complementary to both stabilizer 46 and reporter probe 44 corresponds to the "*first locus containing the first polymorphism.*" (Office Action, page 3) Therefore, the Examiner has taken the position that the unlabeled blocker (stabilizer 46) hybridizes to the first locus as required by the claims, even though the unlabeled blocker is not blocking the first polymorphism.

Applicants have amended claim 1 to include the steps of "*hybridizing the unlabeled blocker with the first locus such that the first polymorphism is blocked by the unlabeled blocker, wherein the second locus is unblocked.*" Applicants respectfully assert that Nerenberg does not

teach or suggest such a step. As seen in Fig. 4 reproduced below, unlabeled blocker (stabilizer 46) is not blocking the first polymorphism. Rather, the first and second polymorphisms are hybridized to first and second reporter probes.



(See also Col. 21, lines 53-52 "FIG. 4 sets forth a format wherein multiple SNP containing reporter probes are used with one another to provide multiple base-stacking energies. FIG. 4a shows the capture down format while FIG. 4b shows the amplicon down format. In FIG. 4a, amplicon 42 is stabilized with stabilizer 41 that is anchored to a capture site via biotin moiety 40, and two reporter probes 43 and 44 are hybridized to detect the presence of at least two SNPs. FIG. 4b is similar except that the amplicon 45 is biotin labeled 40' and anchored to the capture site while stabilizer 46 is unlabeled." (emphasis added)) As apparent from Fig. 4b, unlabeled stabilizer 46 is hybridized near a SNP but does not block the SNP. Therefore, Nerenberg does not teach or suggest all of the limitations of the claim 1 as amended.

Claims 6-9, 18-20, 22-23, and 25 depend from claim 1 and are patentably distinct for the same reasons as applicable to claim 1. Therefore, Applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended.

Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicant's undersigned representative at (949) 760-9600. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,
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